IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8854 of 2004

Between:

1 G. Chinna Pullarao, S/o. Suranna,
R/o. Penugonda, W.G. District.
2 G. Bulli Pullarao S/o. Suranna,
R/o. Penugonda, W.G. District.
3 P. Nagamani W/o. Late Krishna Murthy
Bhuvanapalli Village, Nidamarru Mandal, W.G.Dist.
4 P. Venkata Subbarao S/o. Late Krishna Murthy,
Bhuvanapalli Vill, Nidamarru mandal, W.G.Dist.
5 A. Subbalakshmi W/o. Satyanarayana
Bhuvanapalli Vill, Nidamarru mandal, W.G.Dist.

..... PETITIONERS

AND

1 Union Bank of India rep. by its Branch Manager, Bhimavaram, West Godavari District. .
2 M/s. Godrej Agro Wet Limited rep. by its M.D., Chennai I.B. Industrial Estate, Ambattur, Chennai.
3 M/s Reddy and Reddy Imports and Exports rep. by its Proprietor, G.Rama Krishna Reddy, Opp. Venkateswara Temple, Kopallevari Satram, J.P. Road, Bhimavaram W.G.Dist.
4 Maruti Aqua Feeds and Needs, Ganapavaram rep. by its proprietor Pothula Nageswara Rao, Ganapavaram W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly in the nature of Mandamus declaring that the 1st respondent is not liable to pay any amount to the 2nd respondent under the Bank Guarantee Dt. 12.10-2002 unless the 4th respondent is directly liable to pay any amount to the 2nd respondent and directing the 1st respondent to examine whether the 4th respondent committed any default in paying money to the 2nd respondent and if so, what is the amount actually payable by the 4th respondent to

the 2nd respondent without ;there being any dispute by either of the parties about the quantum of liability before permitting the 2nd respondent to invoke the Bank guarantee.

For the Petitioners: MR.C.Ramachandra Raju , Advocate

For the Respondent No.1: Sri A.Krishnam Raju, Standing Counsel

For the Respondent No.3: Sri V.V.L.N. Sarma, Advocate

The Court made the following :

ORDER

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It is represented that pursuant to the invocation of bank guarantee, amount was already paid by the first respondent-bank in favour of the second respondent.

In view of the same, no cause survives for adjudication in the present writ petition.

The writ petition is accordingly dismissed. However, the petitioners if aggrieved by the invocation of bank guarantee, they are at liberty to proceed against the respondents by way of civil suit seeking damages, if any.

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A.GOPAL REDDY,J

Dt. 28-10-2004

kmr

To

1. The Branch Manager, Union Bank of India, Bhimavaram, West Godavari District.

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